IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 15119 of 2012 (O&M)
Date of decision: 8.8.2012

Haryana Wakf Board

..Petitioner

v.

State Information Commission and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Amit Jhanji, Advocate for the petitioner.

...

Rajesh Bindal J.

The petitioner-Haryana Wakf Board has challenged the orders dated 8.2.2012 and 17.7.2012, passed by State Information Commissioner directing the petitioner to furnish requisite information to respondent No. 2 and rejecting the prayer for review of the earlier order, respectively.

The only contention raised by learned counsel for the petitioner is that though the petitioner is constituted by an Act of the Parliament, but still it is not a body which is owned, controlled or substantially financed by the government. None of its officers are appointed by the government, hence, not amenable to the provisions of Right to Information Act, 2005 (for short, 'the Act').

On a plain reading of the definition of “public authority”, as provided for under Section 2(h) of the Act, it can safely be opined that the contention raised by learned counsel for the petitioner is totally misconceived. “Public Authority” has been defined to mean any authority or body or institution of self-government established or constituted by or under the Constitution; by any law made by the Parliament or the State Legislature. Certain other institutions have also been covered, for which a notification is required to be issued and further any institution which is

substantially financed or controlled by the government. Once it is not in dispute that the petitioner has been constituted by an Act of the Parliament, to state that the government should provide substantial financial support and control the same and only then it would be covered under the definition of "public authority" is totally misconceived. The petitioner, being a body incorporated under Wakf Act, 1995 enacted by the Parliament, would fall within the definition of "public authority".

Accordingly, the present petition is dismissed.

(Rajesh Bindal)
Judge

8.8.2012
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